

REMARKS

INTRODUCTION:

In accordance with the foregoing, claims 9-12 have been canceled without prejudice or disclaimer, and claims 1 and 5 have been amended. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1, 2, 4-6, and 8 are pending and under consideration. Reconsideration is respectfully requested.

REJECTION UNDER 35 U.S.C. §103:

In the Office Action, at page 3, the Examiner rejected claims 1, 2, 4-6, and 8-12 under 35 U.S.C. §103(a) as being unpatentable over 35 U.S.C. §103(a) as being obvious over Hennick (U.S. Patent No. 5,189,945 – hereinafter Hennick) in view of JP 08-200939 (hereinafter Kawasaki), and Massing (U.S. Patent No. 1,330,209 – hereinafter Massing). The reasons for the rejection are set forth in the Office Action and therefore not repeated. Applicants traverse this rejection and respectfully request reconsideration.

Amended, independent claims 1 and 5 recite: "...wherein...each of the grill pipes has an extended part positioned between inclined parts connected with the water tanks, so that the extended part, on which food is placed, is lower than the water tanks."

According to one non-limiting embodiment, this arrangement of the grill pipes 21 allows water to more readily flow into the grill pipes 21. Such an arrangement ensures that the grill pipes 21 remain filled with water even if a water level in the water tank 22 falls below a top of an opening where the grill pipes 21 are connected with the water tank 22.

The tubes 12 disclosed in Hennick are straight, and horizontally connect housing portions 19.

Neither Kawasaki nor Massing disclose any kind of grill pipe.

Accordingly, Applicant respectfully submits that none of Hennick, Kawasaki, or Massing disclose or suggest that each of the grill pipes has an extended part positioned between inclined parts connected with the water tanks, so that the extended part, on which food is placed, is lower than the water tanks.

Furthermore, a prima facie case of obviousness has not been properly established. To

establish a prima facie case of obviousness there must be a suggestion or motivation to combine reference teachings and the combined references must teach or suggest all the claims limitations. (MPEP §2142).

A prima facie obviousness rejection requires evidenced motivation from some reference in the record that would lead one skilled in the art to combine the relevant teachings of the references. See In re Fritch, 23 USPQ 2d 1780, 1783 (Fed. Cir. 1992).

To combine the teachings of Kawasaki and Hennick, the Examiner merely states "...it would have been obvious to a person having ordinary skill in the art to provide the covers of Hennick with hinge connections and guide members extending from an inner surface and adjacent cover hinge connecting parts, in view of the teaching of JP'939." The Examiner does not cite any evidence in either Hennick or Kawasaki that would lead one skilled in the art to combine their teachings.

As stated in the MPEP, "[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination." See MPEP 2143.01.

Applicants respectfully submit that independent claims 1 and 5 patentably distinguish over the cited art, and should be allowable for at least the above-mentioned reasons. Further, Applicants respectfully submit that claims 2 and 4, which depend from independent claim 1, and claims 6 and 8, which depend from independent claim 5, should be allowable for at least the same reasons as claims 1 and 5, as well as for the additional features recited therein.

CONCLUSION:

In accordance with the foregoing, Applicants respectfully submit that all outstanding objections and rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the cited art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited. At a minimum, this Amendment should be entered at least for purposes of Appeal as it either clarifies and/or narrows the issues for consideration by the Board.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited and possibly concluded by the Examiner contacting the undersigned attorney for a telephone interview to discuss any such remaining issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

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By: Michael A. Bush
Michael A. Bush
Registration No. 48,893

1201 New York Avenue, NW, Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501